

APPEAL NO. 022209
FILED SEPTEMBER 27, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 10, 2002. The following issues were before the hearing officer: (1) Did the appellant (claimant) sustain a compensable injury on _____? and (2) Did the claimant have disability resulting from an injury on _____? The hearing officer found that the claimant withdrew his case, understanding that he gave up his rights to any medical or income benefits and any rights to further pursue this claim. Because of this, the hearing officer determined that (1) the claimant did not sustain a compensable injury on _____, and did not have disability. After an appeal by the claimant, the matter was remanded and heard by hearing officer on July 16, 2002. The hearing officer found against the claimant, citing that he was not credible, and that he had not injured himself on _____, nor did he have disability. The claimant has appealed these determinations and the carrier responds, seeking affirmance.

DECISION

We affirm.

The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ).

The hearing officer has noted that he did not believe the claimant. In fact, he commented about this at the CCH after the claimant admitted that he was not truthful in a deposition that he gave in a motor vehicle accident lawsuit in which he was the plaintiff. A surveillance report indicated that as of September 2001, the claimant was moving around without visible restriction. We have reviewed the record and are satisfied that it fully supports the hearing officer's findings and conclusions.

The true corporate name of the insurance carrier is **TRINITY UNIVERSAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DONALD GENE SOUTHWELL
10000 NORTH CENTRAL EXPRESSWAY
DALLAS, TEXAS 75265.**

Susan M. Kelley
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Robert W. Potts
Appeals Judge